

Monte Harey #V-72062-4RB  
Corcoran State Prison  
P.O. Box 3476  
Corcoran, CA 93212

Case 3:07-cv-04682-4RB Document 12

Filed 05/08/2008

Page 1 of 9

Date: 5-5-08

FILED

Attn: clerk of the court Richard W. Wieking  
U.S. district court for the northern district  
of California, U.S. courthouse 460 Golden Gate  
Ave, SF, CA 94102-3483

RE: 07-4682 and CV-05942 CRB

hello clerk of the court. I have a constant Problem and  
difficulties obtaining adequate Access to the Prison Law  
Library. over the months I have had to write a numerous  
amount of Grievances to obtain access to the Law Library  
and at this time I am Being denied all access to the  
Law Library. as a result of this I Can Not get Legal cases  
or study Legal Books Such as westdigest, federal  
citations, federal Rules of civil Procedure etc. I need to  
Read and study these materials in order to litigate  
my court matters efficiently. when I do Receive Law library  
I am only able to Receive it for 2 hours every three weeks  
which is not enough time to do what I need to do.  
I am writing this Letter to find out if I can Receive  
a court order for 30 days of "Preferred Legal User  
status" that will I can Receive Law Library once a week  
to do legal Research?

Please give me a Response to this Request as  
Soon as Possible.

Sincerely,  
Monte Harey

I am enclosing copies of Grievances and other  
Court Papers that I have filed Pretaining to the  
Prison Law Library.

**INMATE APPEAL ASSIGNMENT NOTICE**

To: INMATE HANEY, V72062  
Current Housing: 4A2R0000000059L

Date: April 14, 2008

From: INMATE APPEALS OFFICE

Re: APPEAL LOG NUMBER: CSPC-5-08-01803

ASSIGNED STAFF REVIEWER: AW 4A  
APPEAL ISSUE: LEGAL  
DUE DATE: 05/27/2008

Inmate HANEY, this acts as a notice to you that your appeal has been sent to the above staff for FIRST level response. If you have any questions, contact the above staff member. If dissatisfied, you have 15 days from the receipt of the response to forward your appeal for SECOND level review.

Appeals Coordinator  
Correctional Counselor II  
CSP-Corcoran

**INMATE APPEAL ASSIGNMENT NOTICE**

To: INMATE HANEY, V72062  
Current Housing: 4A2R0000000059L

Date: January 16, 2008

From: INMATE APPEALS OFFICE

Re: APPEAL LOG NUMBER: CSPC-5-08-00236

ASSIGNED STAFF REVIEWER: AW CENT SVCS  
APPEAL ISSUE: LEGAL  
DUE DATE: 03/03/2008

Inmate HANEY, this acts as a notice to you that your appeal has been sent to the above staff for FIRST level response. If you have any questions, contact the above staff member. If dissatisfied, you have 15 days from the receipt of the response to forward your appeal for SECOND level review.

Appeals Coordinator  
Correctional Counselor II  
CSP-Corcoran

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**INMATE APPEAL ASSIGNMENT NOTICE**

To: INMATE HANEY, V72062  
Current Housing: 4A1L0000000043L

Date: January 24, 2007

From: INMATE APPEALS OFFICE

Re: APPEAL LOG NUMBER: CSPC-5-07-00394

ASSIGNED STAFF REVIEWER: AW CENT SVCS  
APPEAL ISSUE: LEGAL  
DUE DATE: 03/09/2007

Inmate HANEY, this acts as a notice to you that your appeal has been sent to the above staff for FIRST level response. If you have any questions, contact the above staff member. If dissatisfied, you have 15 days from the receipt of the response to forward your appeal for SECOND level review.

Appeals Coordinator  
Correctional Counselor II  
CSP-Corcoran

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**INMATE APPEAL ASSIGNMENT NOTICE**

To: INMATE HANEY, V72062  
Current Housing: 4A2R0000000008L

Date: September 14, 2007

From: INMATE APPEALS OFFICE

Re: APPEAL LOG NUMBER: CSPC-5-07-04236

ASSIGNED STAFF REVIEWER: AW CENT SVCS  
APPEAL ISSUE: LEGAL  
DUE DATE: 10/29/2007

Inmate HANEY, this acts as a notice to you that your appeal has been sent to the above staff for FIRST level response. If you have any questions, contact the above staff member. If dissatisfied, you have 15 days from the receipt of the response to forward your appeal for SECOND level review.

Appeals Coordinator  
Correctional Counselor II  
CSP-Corcoran

SUPERIOR COURT OF THE STATE OF CALIFORNIA  
IN AND FOR THE COUNTY OF KINGS

CONFORMED COPY  
ORIGINAL FILED ON

SEP 11 2007

TODD H. BARTON, COURT EXECUTIVE OFFICER  
SUPERIOR COURT OF THE STATE OF CALIFORNIA  
COUNTY OF KINGS  
DEPUTY

In re Application of	)	No. 06W0209C
	)	
	)	ORDER DENYING PETITION
MONTE HANEY,	)	FOR WRIT OF HABEAS
	)	CORPUS WITHOUT
Petitioner,	)	PREJUDICE
	)	
For Writ of Habeas Corpus.	)	
_____	)	

Petitioner MONTE HANEY ("Petitioner") filed his petition for writ of habeas corpus ("petition") on July 20, 2007. Petitioner complains that Corcoran State prison personnel are denying him access to the prison law library.

The petition fails to state a *prima facie* claim for relief. The law requires litigants to exhaust administrative remedies prior to seeking judicial relief. (*In re Dexter* (1979) 25 Cal. 3d 921, 925.) In this case, Petitioner admits that he has not administratively exhausted his inmate appeal through the Director's Level of Review and does not provide the Court with any facts and/or documents upon which a waiver of such requirement can reasonably be based. (See, *People v. Duvall* (1995) 9 Cal. 4<sup>th</sup> 464, 474 [Petitioner has not met his heavy initial burden to plead particular facts sufficient to support the claims set forth in his petition].)

Based upon the foregoing, IT IS HEREBY ORDERED, the petition is denied without prejudice.

Dated: September 11, 2007

James LaPorte  
\_\_\_\_\_  
James LaPorte,  
Judge of the Superior Court

CONFORMED COPY  
ORIGINAL FILED ON

## SUPERIOR COURT OF THE STATE OF CALIFORNIA

IN AND FOR THE COUNTY OF KINGS

MAR 12 2007

In re Application of

No. 06W0209B

TODD H. BARTON, COURT EXECUTIVE OFFICER  
SUPERIOR COURT OF THE STATE OF CALIFORNIA  
COUNTY OF KINGS  
DEPUTY

MONTE HANEY,

ORDER DENYING PETITION

Petitioner,

FOR WRIT OF HABEAS

CORPUS WITHOUT

PREJUDICE

For Writ of Habeas Corpus.

Petitioner, MONTE HANEY ("Petitioner"), filed a petition for writ of habeas corpus ("petition") on February 21, 2007. Petitioner complains that he is being denied access to the law library at Corcoran State Prison. Petitioner admits that he has, "a grievance pending about inadequate access to Law Library, Log No. 5-07-00394", but requests to be excused from the requirement that he fully exhaust such appeal based upon his alleged need to file a federal petition for writ of habeas corpus.

The petition fails to state a *prima facie* claim for relief. The exhaustion of administrative remedies is a jurisdictional prerequisite to resort to the courts. (*Wright v. State of California* (2004) 122 Cal. App. 4<sup>th</sup> 659, 665-666; *see also, In re Dexter* (1979) 25 Cal. 3d 921, 925 [exhaustion required prior to seeking judicial relief].) Although Petitioner alleges that he will be prejudiced by the delay associated with his pursuit of required administrative remedies, he has not provided any specific facts and/or documents to support such assertion. (*People v. Duvall* (1995) 9 Cal. 4<sup>th</sup> 464, 474 [Petitioner bears a heavy burden initially to plead sufficient grounds for relief].)

The petition is denied, without prejudice.

Dated: 3-12, 2007**Peter M. Schultz, Judge**


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 Peter M. Schultz  
 Judge of the Superior Court



PROOF OF SERVICE BY MAIL

I, Monte Haney, declare that I am over 18 years of age, and a party to the attached herein cause of action, that I reside at California State Prison at Corcoran, in the County of King, California.

My mailing address is: P.O. Box 3476 Corcoran, CA  
93212

On 5-5, 2008, I delivered to prison officials for mailing, at the above address, the attached: Letter to the clerk of the  
Court.

in sealed envelope(s), with postage fully prepaid, and addressed to the following:

(1) clerk of the court (2) \_\_\_\_\_

Richard W. Wiering \_\_\_\_\_

U.S. district court \_\_\_\_\_

for the northern district  
of California

(3) 450 Golden Gate Ave (4) \_\_\_\_\_

16<sup>th</sup> floor, sf. CA 94102 \_\_\_\_\_

I declare under penalty of perjury that the foregoing is true and correct to the best of my knowledge. Executed this 5 day of may, 2008, at California State Prison, Corcoran.

Monte Haney  
In Pro Per



Monte Hanel # V-72062 4A  
Corcoran State Prison  
P.O. Box 3476  
Corcoran, CA 93212

STATE  
PRISON  
CORCORAN



Has  
6.00.530  
05/06/2008  
Postnet From: 93212  
US POSTAGE

Att. clerk of the court  
Richard W. Weiking  
U.S. district court for  
the northern district of California  
450 Golden Gate Ave, 16<sup>th</sup> fl  
San Francisco, CA 94102

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